

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii), (b)(1)(D) – Possession
With Intent To Distribute Crack Cocaine and Marijuana

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:
SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

FEB 27 2008

DEFENDANT - U.S.RICHARD W. WIEKIANO
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DISTRICT COURT NUMBER

CR08-0110

DLJ

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
which were dismissed on motion
of: U.S. ATTORNEY DEFENSE this prosecution relates to a
pending case involving this same
defendant prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
defendant were recorded underSHOW
DOCKET NO.
}MAGISTRATE
CASE NO.
}Name and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)

JAMES C. MANN, AUSA

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:** SUMMONS NO PROCESS* WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____

ATTACHMENT TO PENALTY SHEET FOR ANTOINE DEMETRIUS SMITH

Count 1: 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(iii) - Possession With Intent To Distribute A Schedule II Controlled Substance (Cocaine Base).

If 851 Information alleging prior felony narcotics conviction filed:

- | | | |
|-----|---------------------|--|
| (1) | Imprisonment: | Maximum Life Imprisonment
Mandatory Minimum 10 Years Imprisonment |
| (2) | Fine: | Maximum \$4,000,000 |
| (3) | Supervised Release: | Maximum Lifetime
Mandatory Minimum 8-Year Term |
| (4) | Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | | |
|-----|---------------------|---|
| (1) | Imprisonment: | Maximum 40 Years Imprisonment
Mandatory Minimum 5 Years Imprisonment |
| (2) | Fine: | Maximum \$2,000,000 |
| (3) | Supervised Release: | Maximum Lifetime
Mandatory Minimum 4-Year Term. |
| (4) | Special Assessment: | \$100.00 |

Count 2: 21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Possession With Intent To Distribute A Schedule I Controlled Substance (Marijuana).

If 851 Information alleging prior felony narcotics conviction filed:

- | | | |
|-----|---------------------|-------------------------------|
| (1) | Imprisonment: | Maximum 10 Years Imprisonment |
| (2) | Fine: | Maximum \$500,000 |
| (3) | Supervised Release: | Mandatory Minimum 4-Year Term |
| (4) | Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | | |
|-----|---------------------|--------------------------------|
| (1) | Imprisonment: | Maximum 5 Years Imprisonment |
| (2) | Fine: | Maximum \$250,000 |
| (3) | Supervised Release: | Mandatory Minimum 2-Year Term. |
| (4) | Special Assessment: | \$100.00 |

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED
FEB 27 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

v.

CR08-0110 [REDACTED]

DLJ

ANTIONE DEMETRIUS SMITH,
a/k/a Antoine Smith,
a/k/a "Moto,"

DEFENDANT(S).

INDICTMENT

21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii), (b)(1)(D) – Possession
With Intent To Distribute Crack Cocaine and Marijuana

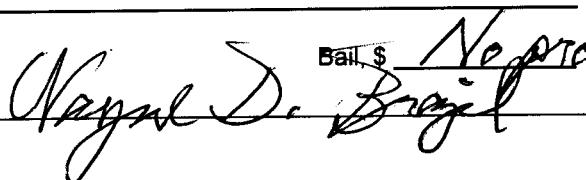
A true bill.



Foreman

Filed in open court this 27 day of
February 2008.

Clerk


Ball \$ No process. 2/27/08
Kayal D. Brazil

1 JOSEPH P. RUSSONIELLO (CABN 44332)
 2 United States Attorney
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 4
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 6
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FILED
 FEB 27 2008
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. **CR 06-0110**
 12 Plaintiff,) VIOLATIONS: 21 U.S.C. §§ 841(a)(1),
 13 v.) (b)(1)(B)(iii), (b)(1)(D) – Possession With
 14 ANTIONE DEMETRIUS SMITH,) Intent To Distribute Crack Cocaine and
 15 a/k/a Antoine Smith,) Marijuana
 16 a/k/a “Moto,”) OAKLAND VENUE
 17 Defendant.)
 18

INDICTMENT

19 The Grand Jury charges:

20 COUNT ONE: (21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii) – Possession With Intent To
 21 Distribute Crack Cocaine)

22 1. On or about April 19, 2005, in the Northern District of California, defendant,

23 ANTIONE DEMETRIUS SMITH,
 24 a/k/a “Antoine Smith,”
 a/k/a “Moto,”

25 knowingly and intentionally possessed with intent to distribute a Schedule II controlled
 26 substance, namely, approximately 32.1 grams of a mixture and substance containing a detectable
 27 amount of cocaine base in the form of “crack,” in violation of Title 21, United States Code,
 28 Sections 841(a)(1) and 841(b)(1)(B)(iii).

INDICTMENT

1 COUNT TWO: (21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Possession With Intent To Distribute
2 Marijuana)

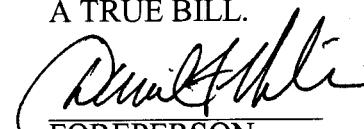
3 2. On or about April 19, 2005, in the Northern District of California, defendant,

4 ANTIONE DEMETRIUS SMITH,
5 a/k/a "Antoine Smith,"
6 a/k/a "Moto,"

7 knowingly and intentionally possessed with intent to distribute a Schedule I controlled substance,
8 namely, approximately 34.6 grams of marijuana, in violation of Title 21, United States Code,
9 Sections 841(a)(1) and 841(b)(1)(D).

10 DATED: February 21, 2008

A TRUE BILL.

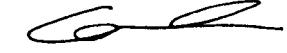


FOREPERSON

11 JOSEPH P. RUSSONIELLO
12 United States Attorney

13 
W. DOUGLAS SPRAGUE

14 Chief, Oakland Branch

15 (Approved as to form: 
16 AUSA GARTH HIRE
17 AUSA JAMES C. MANN

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INDICTMENT